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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 This Document Relates to:
8 2:16-cv-01095
9 Shelley A. Docimo v. Bard, et al.

**AMENDED FIRST AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND DEMAND FOR JURY TRIAL**

10 Plaintiff(s) named below, for their Complaint against Defendants named below,
11 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

12 Plaintiff(s) further show the Court as follows:

13 1. Plaintiff/Deceased Party:

14 SHELLEY A. DOCIMO

15 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
16 consortium claim:

17 N/A

18 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
19 conservator):

20 N/A

21 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
22 the time of implant:

NEVADA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

NEVADA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

NEVADA

7. District Court and Division in which venue would be proper absent direct filing:

District of Nevada, Las Vegas Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

On or about September 30, 2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Nevada and/or California Law Prohibiting
- 3 Consumer Fraud and Unfair and Deceptive Trade Practices
- 4 ☐ Count XV: Loss of Consortium
- 5 ☐ Count XVI: Wrongful Death
- 6 ☐ Count XVII: Survival
- 7 ☒ Punitive Damages
- 8 ☐ Other(s): _____ (please state the facts supporting
- 9 this Count in the space immediately below)

10 _____

11 _____

12 _____

13 _____

14 _____

15 13. Jury Trial demanded for all issues so triable?

- 16 ☒ Yes
- 17 ☐ No

1 RESPECTFULLY SUBMITTED this 11th day of November, 2016.

2 **LOPEZ McHUGH LLP**

3 By: /s/Matthew R. Lopez
4 Ramon Rossi Lopez (CA Bar No. 86361)
5 (admitted *pro hac vice*)
6 Matthew Ramon Lopez (CA Bar No. 263134)
7 (admitted *pro hac vice*)
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9 Newport Beach, California 92660

10 *Attorneys for Plaintiffs*

11 I hereby certify that on this 11th day of November, 2016, I electronically transmitted
12 the attached document to the Clerk's Office using the CM/ECF System for filing and
13 transmittal of a Notice of Electronic Filing.

14 /s/Matthew R. Lopez